



Human Resources Directive Franchise Services

Number: HROD FS 335-2

Original Issue Date: February 27, 2006

Reviewed Date:

Subject: Merit Promotion Plan

1. PURPOSE

This directive establishes procedures and requirements for a systematic means of recruitment and selection for promotion according to merit. The objectives of this plan are to provide information and guidance to management and employees and to ensure compliance with applicable regulations. It is not the intent of this plan to repeat authorities granted in regulation, but to focus on and clarify how discretionary regulations will be implemented.

2. SCOPE

- a. The provisions of this directive apply to positions in the competitive service and may be applied to internal placement actions within the excepted service. It does not apply to attorney positions.
- b. This directive does not apply to bargaining unit, limited, term, seasonal, or Senior Executive Service positions.

3. AUTHORITIES

Title 5, U.S. Code, Chapter 33; 5 CFR, Parts 300, 330 and 335.

4. RESPONSIBILITIES

- a. Director, Human Resources Operations Division (HROD)/Customer HR Liaison
 - (1) Ensures the Merit Promotion Plan meets the requirements of Title 5, CFR.
 - (2) Administers the Plan equitably and in accordance with regulatory requirements.
 - (3) Ensures that technical guidance and assistance are provided to managers, supervisors, and employees regarding the Plan.
- b. Managers, Franchise Employment Services Branch and Treasury Franchise Employment Services Branch
 - (1) Implement the Merit Promotion Program.
 - (2) Provide technical guidance and assistance to managers, supervisors, and employees.
 - (3) Evaluate the effectiveness of the Plan and recommend revisions and adjustments.
- c. Supervisors and Management Officials of Applicable Customer Organizations
 - (1) Give fair consideration to all candidates referred without regard to political, religious, or labor affiliation or nonaffiliation, marital status, race, color, sex, national origin, sexual orientation, nondisqualifying physical handicap, or age. All selections for promotions shall be based solely on job-related criteria.
 - (2) Make selections following merit principles.

- (3) Preserve the confidentiality of candidates' records and qualifications.
- (4) Release employees selected for promotion no later than the end of the first full pay period after the date of selection and qualifications and eligibility are met.
- (5) Participate with HROD in developing job analysis and evaluation methods.
- (6) Provide HROD with advance information on projected staffing requirements, anticipated losses, changes in duties, or other information that could lead to personnel actions.
- (7) Provide suggestions to HROD for improvements in the program.
- (8) Assign subject matter experts to rate candidates for vacancies when appropriate.

d. Employees

- (1) Apply for any announced vacancy for which interested and qualified by submitting application material following instructions specified on the vacancy announcement.
- (2) Participate in interviews or other processes used to evaluate applicants' knowledge, skills, and abilities.
- (3) Notify HROD of positions for which interested and request notification of any appropriate announcements during absence for legitimate reasons; e.g., leave, training, or detail.
- (4) Notify HROD of positions for which interested when absent for active duty in the military service (not military leave) or for service in public international organizations. To receive consideration for positions during these absences, employees must leave an application on file.
- (5) Provide suggestions to HROD for improvements in the program.

**5. ACTIONS COVERED BY
THIS PLAN**

- a. Promotion, transfer, or reinstatement to a higher-graded position or a position with known promotion potential higher than a grade previously held under permanent appointment in the competitive service.
- b. Temporary promotion which exceeds 120 days (all service during the preceding 12 months under non-competitive temporary promotion or details to higher graded position(s) counts toward the 120 days).
- c. Detail exceeding 120 days if the detail is to a higher graded position or to a position with higher promotion potential (all service during the preceding 12 months under non-competitive temporary promotion or detail to higher graded position(s) counts toward the 120 days).
- d. Selection for training which is part of an authorized training agreement and is primarily for the purpose of preparing the employee for advancement or is required before an employee may be considered for promotion.
- e. Reassignment or change to lower grade to a position with higher promotion potential than a position previously held on a permanent basis in the competitive service. Reduction-in-force regulations permit exceptions.

**6. EXCEPTIONS TO
THIS PLAN**

- a. Promotion of an incumbent when a position is reclassified to a higher grade when:
 - (1) the reclassification is the result of either the issuance of a new classification standard or the correction of an initial classification error;
 - (2) there are no significant changes in duties or responsibilities; and
 - (3) the incumbent meets the legal and qualification requirements of the higher grade.
- b. Position change permitted by reduction-in-force regulations.
- c. Promotion without current competition of an employee within a career ladder when:
 - (1) the original selection was made by noncompetitive appointment, noncompetitive conversion, or under competitive promotion procedures;
 - (2) the original selection was intended to prepare the employee for the position being filled; and
 - (3) the position's promotion potential was documented.
- d. Promotion of an incumbent when a position is reclassified to a higher grade due to assignment of additional duties and responsibilities when:
 - (1) the incumbent assumed higher level duties and responsibilities over a reasonable period of time;
 - (2) the incumbent performs the basic functions of the position at the former grade level as well as the higher level duties;
 - (3) the supervisor certifies that the employee has (a) clearly demonstrated the ability to perform at the higher level, and (b) satisfactorily performed the additional duties over a reasonable period of time; and
 - (4) the incumbent meets the legal and qualification requirements of the higher grade.

This promotion may be into a career ladder when it is based on a reorganization, a classification survey, or an occupational study.

- e. Temporary promotion or detail to a higher graded position or a position with known promotion potential, of 120 days or less (all service during the preceding 12 months under non-competitive temporary promotion or detail to higher grade counts toward the 120 days).
- f. Selection as a result of priority consideration (e.g., not given proper consideration in a competitive promotion action, Reemployment Priority List, Repromotion Priority List).
- g. Repromotion, reinstatement, or transfer of an employee to a grade previously held on a permanent appointment in the competitive service. A prior change to lower grade must have been for other than deficiencies in performance or conduct reasons.

- h. Appointment, conversion, selection, or promotion made under special authorities or Office of Personnel Management (OPM) approved programs, e.g., Veterans' Recruitment Act (VRA) appointments, Federal Career Intern Program (FCIP) appointments, selections from re-employment priority lists, and appointments of disabled individuals.
- i. Promotion, reassignment, demotion, transfer, reinstatement, or detail to a position having no greater promotion potential than the employee's current position.

**7. VACANCY
ANNOUNCEMENTS**

- a. Merit promotion vacancies will be advertised, with the following exceptions:
 - (1) When additional like vacancies occur within approximately 90 calendar days of the issue date of the Promotion Certificate.
 - (2) When a priority consideration candidate is selected.
- b. Vacancy announcements will be open for receipt of applications for a minimum period of five business days.

**8. ANNOUNCEMENT
CONTENT**

- a. All Vacancy Announcements must include the following information:
 - (1) Announcement number.
 - (2) Opening and closing date.
 - (3) Area of consideration, including special hiring authorities (when applicable).
 - (4) Title, pay plan, series, grade, and number of positions to be filled.
 - (5) Entrance pay.
 - (6) Organization and geographical location.
 - (7) Minimum qualifications required, including any specialized experience and/or selective factors.
 - (8) Description of the major duties of the position.
 - (9) Evaluation criteria to be used (knowledge, skills, and abilities necessary to perform the job successfully).
 - (10) Statement regarding evaluation methods to be used in the rating/ranking process.
 - (11) Promotion potential.
 - (12) Application procedures.
 - (13) Statement of equal employment opportunity principles.
 - (14) Statement concerning the position's sensitivity, if applicable.
 - (15) Special conditions of employment, e.g., shift work, frequent travel, special/unusual physical requirements, etc.
 - (16) Supervisory/managerial probationary period statement, if applicable.

- (17) Financial disclosure or tax check statement, if applicable.
- (18) Statement regarding reasonable accommodation requirements.
- (19) Information on how to claim veterans' preference, if applicable.
- (20) Definition of well-qualified for CTAP and/or ICTAP candidates, and information on how CTAP and/or ICTAP candidates may apply, including proof of eligibility required.
- (21) Any other OPM requirements.

9. NONSTANDARD ANNOUNCEMENTS

a. Rosters

- (1) Rosters may be used when management anticipates several vacancies for the same position (title, series, grade, and organizational location).
- (2) Individuals will be considered if they will meet the qualification requirements within six months after the closing date of the vacancy announcement. However, candidates cannot be referred as best qualified until they fully meet the qualification and eligibility requirements.
- (3) The rating procedure is the same as for standard vacancy announcements.
- (4) Applicants may not submit new information after the closing date.
- (5) The resulting roster may be used to fill vacancies for up to six months after the closing date of the vacancy announcement.

b. "Open Continuous and Open Until Filled" Announcements

- (1) Vacancy Announcements for historically difficult to fill positions may be posted without a specific closing date. The widest area of consideration management identifies as practical to recruit a sufficient number of highly qualified applicants will be used.
- (2) Applications under this type of announcement will be reviewed in the order of receipt by a Human Resources (HR) Specialist to determine if minimum qualification and eligibility requirements are met.
- (3) The rating procedure is the same as for standard vacancy announcements except that ratings will occur once more than ten competitive qualified and eligible applications are received. As additional eligible applications are received they will be rated.
- (4) Upon receipt of a request for a personnel action either by the electronic 52 system or by electronic mail, all candidates determined qualified and eligible for referral will be referred as described in sections 14 and 15. Applications that have not been assessed for qualifications and eligibility, nor rated (if applicable) at the time of receipt of the request, will not be eligible for consideration for the vacancy.
- (5) Applicants may submit new information until the vacancy announcement closes. The new information will not be considered for vacancies for which a certificate has been issued.
- (6) Individuals will be removed from consideration under the following conditions:

- (a) when selected for the position covered by the open announcement;
- (b) upon the applicant's request; or
- (c) as specified in the vacancy announcement.

- 10. AREA OF CONSIDERATION**
- a. Minimum area of consideration is the area from which the organization can reasonably expect to locate enough well qualified candidates to fill vacancies.
 - b. Areas of consideration will be established giving attention to the extent to which coverage is sufficient to fill positions or grades for which under representation has been identified.

- 11. QUALIFICATION AND ELIGIBILITY REQUIREMENTS**
- a. Minimum qualifications - individuals must meet the minimum qualification standards as prescribed by OPM, and any defined specialized experience and selective factor identified in the announcement, if applicable, by the closing date of the vacancy announcement.
 - b. Eligibility - Individuals must meet time-in-grade, time after competitive appointment, citizenship, and other legal requirements by the closing date of the vacancy announcement.
 - c. Any defined specialized experience requirements will be developed by the selecting official or subject matter experts in consultation with an HR Specialist. Defined specialized experience allows a selecting official to further clarify and define OPM's minimum qualification requirements. Defined specialized experience must be supported in the position description.
 - d. Selective factors will be developed by the selecting official or subject matter experts in consultation with an HR Specialist. A selective factor must be essential for successful performance of the duties in the position to be filled and cannot be readily acquired (normally within 90 days) after entry on duty. Written justification for use of a selective factor must be received prior to announcement of a vacancy and will become part of the merit promotion file. Any identified selective factors must be supported by the position description. Although generic position descriptions may not specifically support the need for a selective factor, the nexus should be evident.
 - e. Qualification standards are available for review. On request, HR Specialists will discuss with supervisors and employees the standards applicable to any position. At an employee's request, an HR Specialist will discuss with the employee his/her qualifications for a particular position.

- 12. EVALUATION CRITERIA**
- a. The rating and ranking process provides the selecting official with a reasonable number of well qualified candidates for each announced vacancy. The criteria used to rate candidates are based on a thorough job analysis conducted by subject matter experts. This job analysis results in job-related ranking factors. The ranking factors are documented and provide the basis for considering and comparing candidates' knowledge, skills, and abilities needed to be successful in the position.
 - b. The subject matter expert working with an HR Specialist assigns level definitions for each ranking factor identified. The resulting crediting plan becomes the means to evaluate the candidate's training, education, and experience.

- 13. RATING OFFICIAL/PANEL**
- a. When formal rating and ranking is necessary, the selecting official designates a rating official or members of a rating panel within the following guidelines:

- (1) The selecting official may not serve as a rater.
 - (2) Each rater must be of a grade equal to or above that of the position being rated.
 - (3) Each rater should be familiar with the requirements of the position to be filled.
 - (4) A rater cannot be related by blood or marriage to any of the applicants.
- b. The HR Specialist will provide the rating official/panel with the necessary information to complete the process. This information will include:
- (1) Position Description.
 - (2) Rating guide.
 - (3) Application or resumé and attachments.
 - (4) Vacancy Announcement.
 - (5) Written instructions describing the evaluation process.

14. EVALUATION OF CANDIDATES

- a. The HR Specialist provides advice and guidance to the rating official/panel concerning the rating process.
- b. The rating official/panel reviews each candidate's application package and then evaluates the package against the rating guide/crediting plan.
- c. The rating level assigned and the portion of the candidate's application package that substantiates the assigned rating level is documented on the rating sheet.
- d. When there are 10 or fewer qualified competitive merit promotion applicants, traditional rating is not required. The HR Specialist may apply a small numbers rating method. Rating in these instances is accomplished by conducting a comparison of the applications to the rating guide. All applicants possessing a majority of the rating factors will be referred as well qualified. If there are no well-qualified candidates eligible for referral, and further expansion of the area of consideration is not practical, all qualified candidates may be referred.

15. RANKING AND REFERRAL

- a. After the rating official/panel has completed the evaluation of all candidates, a HROD representative will calculate the rating points based on the level assigned to each rating factor.
- b. If formal rating and ranking was necessary, a list of best qualified **promotion** candidates will be established by the HR Specialist based on the final rating points. Up to ten candidates may be certified to the selecting official for the first vacancy. One additional candidate will be referred for each additional vacancy. More than ten candidates may be certified for a vacancy if there is insignificant differentiation between the final scores of the candidates. A selecting official may request, prior to the rating process, that fewer than ten names be certified. In cases where fewer than ten names are requested, the HR specialist will certify a minimum of five names plus one additional candidate for each additional vacancy.

- c. The best qualified promotion candidates will be listed in alphabetical order on the Promotion Certificate. If a position was advertised at more than one grade level, all grade levels may be listed on one Promotion Certificate.

16. SELECTION

- a. A merit promotion certificate is valid for 60 days from the issuance date. The HR specialist handling the vacancy may grant extensions beyond 60 days; however, approximately 90 days after the issuance of a certificate, additional priority placement program eligibles must be given an opportunity to apply and be considered.
- b. A vacancy can be filled by promotion, demotion, noncompetitive conversion, reassignment, transfer, reinstatement, or appointment from a register or other appropriate source of applicants. Applicants may be considered concurrently or consecutively from any or all recruitment sources. Subject to laws and regulations, the selecting official makes the final decision on selections.
- c. A selecting official has the right to select or not select from among a group of best qualified candidates. Management also has the right to select from any other appropriate source. This includes a reemployment priority list, reinstatement, reassignment, transfer, various special appointment authorities, or from a Delegated Examining Certificate of Eligibles. In deciding which source or sources to use, there is an inherent obligation to determine which is most likely to best meet mission objectives, contribute fresh ideas and new viewpoints, and meet affirmative action goals.
- d. Selecting officials should review all applications from competitive eligibles and are encouraged to interview all competitive eligibles on a promotion certificate.
- e. Due weight will be given to awards and performance appraisals in the selection process.
- f. All candidates will be considered without discrimination for any non-merit reason such as race, color, religion, sex, age, national origin, lawful political affiliation, sexual orientation, marital status, disability (if not a job factor), or membership in an employee organization. All selections for promotions shall be based solely on job-related criteria.
- g. Before announcing a selection to the selectee or other employees, the selecting official must obtain clearance from an HR Specialist.
- h. HROD will notify applicants of selection/non-selection.

17. DISCLOSURE OF INFORMATION

- a. Information regarding the number of applicants, the number who met minimum qualification requirements, and the number of applicants referred to the selecting official may be provided to any individual.
- b. Applicants can be given any information which pertains to their specific application or status.

18. RESOLUTION OF EMPLOYEE COMPLAINTS

- a. Every effort will be made to be responsive to employee inquiries concerning the Merit Promotion Program. Resolution of complaints by informal discussions between an employee and a representative of HROD or a management official is encouraged.
- b. If the matter cannot be resolved informally, the employee may submit a grievance under the Agency Administrative Grievance Procedure.

HROD FS 335-2
February 2006

**19. OFFICE OF PRIMARY
INTEREST**

Administrative Resource Center, Human Resources Operations Division.
Franchise Customers (as appropriate)

Nancy Smith, Director
Human Resources Operations Division
Administrative Resource Center